<center>**REMARKS**</center>

The specification stands objected to.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia-Luna-Aceves (U.S. Patent Application Publication No. 2003/0101278) in view of Lachhiramka ("Switch based traffic distribution for web server farms").

<center>**Information Disclosure Statement**</center>

It is Applicant's understanding that the objection to the Information Disclosure Statement filed January 10, 2006 is withdrawn. Accordingly, Applicant respectfully requests the Examiner initial Chinese Patent Document No. 1332924 on the PTO/SB08 form submitted with the Information Disclosure Statement filed January 10, 2006, and return the initialed PTO/SB08 form to Applicant.

<center>**Objections to Specification**</center>

The specification stands objected to.

Claim 18 has been amended to recite a "tangible recording medium" which finds support in the specification, for example, on page 14, line 24 - page 15, line 5.

No new subject matter has been entered.

It is respectfully requested that the objection to the specification be withdrawn.

<center>**Claims Distinguish over Cited Prior Art**</center>

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia-Luna-Aceves ("GLA") in view of Lachhiramka.

Claim 1 recites among other elements: "the IP router comprising: means for ending a connection … and obtaining request information of a content requested by the client…; means for obtaining the content by connecting with the optimum server selected; and means for transferring the obtained content to the client device."

In response to the Applicant's argument submitted in the Amendment filed June 28, 2008, the Examiner asserts that GLA discloses that "a web router has functionality implemented as part of a content server, web server, and web cache and that a web cache obtains the content

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from the selected optimum server and subsequently transfers the content to the requesting client. (Paragraphs 80, 88).

However, claim 1 calls for the IP router comprising

-means for … obtaining request information of a content…;

-means for selecting an optimum server …;

-means for obtaining the content by connecting with the optimum server selected; and

-means for transferring the obtained content to the client device.

Therefore, if a web router is a part of a content server, web server, or web cache, the above-recited elements of claim 1 are not met in the recited portions of GLA. Accordingly, the Examiner's reliance on the cited portions of GLA does not support the rejection.

Further, the Examiner states that "it is evident that Garcia-Luna-Aceves teaches a web router that obtains the content from the selected optimum server and transfers the content to the client." (*See* Office Action, page 4, lines 14-16). This statement is conclusory and is not substantiated by the prior art. Such rejection is improper and is based on speculation.

Further yet, on pages 6 and 7 of the Office Action, the Examiner asserts that GLA discloses

"IP router" ("web router", element 202)

"means for obtaining request information of a content" ("router", paragraphs 6, 82)

"means for obtaining the content by connecting with the optimum server selected means for transferring the obtained content to the client device" (paragraphs 86, 88)

In this portion of the Office Action, the Examiner refers to a different embodiment of GLA to support the rejection. However, it is well settled that the Examiner cannot combine features from different embodiments without requisite motivation. (*See* Ex parte PAUL D. BEUTHER, RICHARD J. KAMPS and KURT W. OSTERMEIER, 2003 TTAB LEXIS 610 (TTAB 2003)).

GLA describes web routers 202 which refer the request for an object to a web cache 208 or content server 210. Web cache or content server transfers the requested object to the client. (Paragraph 82). The web server, contacted by the client, provides URL to the web router. The web router maps each URL to the address of a web cache or the content server that can optimally provide the information object to the client and returns the addresses to the web server. The web

server provides this information to the client. The client retrieves the objects directly from the identified content holder. (Paragraph 86).

To the extent **GLA** describes obtaining the request information for the content from the client, the request is obtained via the intermediary, e.g., the web server. Therefore, the web router of GLA is not the same or an equivalent of the "means for … obtaining request information of a content requested by the client…" because the recited feature of claim 1 requires a direct connection between the client device and the router to obtain the request.

Additionally, as far as GLA describes obtaining the content by connecting with the optimum server and transferring the obtained content to the client device, the router obtains the <u>address</u> of the optimum server only. The router does not obtain the <u>content</u>. It is the client device in GLA that obtains the content by connecting to the identified content holder. To the contrary, claim 1 calls for "means for obtaining the content by connecting with the optimum server selected" and "means for transferring the obtained content to the client device" embodied in the IP router to perform these functions. E.g., it is the intermediary IP router, which connects with the optimum content server to obtain the content and transfers the obtained content to the client device.

No teaching, suggestion, or motivation to modify/or combine GLA with Lachhiramka

1.   Modification of GLA with Lachhiramka will change the principle of operation of GLA

As discussed above, **GLA** describes that the client requests and receives information from the router <u>via the server</u>.

Lachhiramka describes a switch which distributes traffic to the web servers. The switch terminates a TCP connection initiated by the client. The client completes the TCP connection and sends the REQUEST. The switch chooses the server to handle this REQUEST, makes the TCP connection on behalf of the client with the chosen server and sends the REQUEST to the server. (page 2, right column).

Therefore, in a proposed modification of GLA with Lachhiramka, the switch will directly communicate with the client, obviating the need for a web server. This will change the principle of operation of GLA. Accordingly, the teachings of Lachhiramka and GLA are not sufficient to render the claims *prima facie* obvious.

2.   *Modification of Lachhiramka with GLA will render Lachhiramka unsatisfactory for its intended purpose*

If Lachhiramka is modified with GLA, the client will communicate with the switch via the web server. This will render Lachhiramka unsatisfactory for its intended purpose. Accordingly, there is no suggestion or motivation to combine the teachings of Lachhiramka and GLA.

Accordingly, neither GLA, nor Lachhiramka, taken singularly or in combination, teaches or suggests at least the IP router comprising "means for ... obtaining request information of a content requested by the client device; means for obtaining the content by connecting with the optimum server selected; and means for transferring the obtained content to the client device," and there is no teaching, suggestion, or motivation to combine these two references. Therefore, it is respectfully submitted that **claim 1 and dependent claims 2-6** distinguish patentably and unobviously over GLA and Lachhiramka.

In addition, **claim 2** recites among other elements: "means for detecting a change in a network topology based on the detected change in the contents of the IP routing table."

The Examiner asserts that GLA discloses that changes in the routing table transmitted as content in the messages and consequently employed by the router to determine topology changes. "Therefore, it is evident that a change must be detected in the table which thereby results in the messages being generated and conveyed to routers that contains this updated information." (*See* Office Action, page 5, first paragraph). The Examiner assumes that certain aspects exist in LGA, when they are, in fact, absent in GLA. Such rejection is improper because it is based on speculation.

LGA describes that the Web routers communicate with one another via messages which carry the mappings specifying the association between clients or client address ranges to available servers. (Paragraph 73.) Therefore, the Web routers find out about the change in topology from the messages. There is no discussion in LGA about a routing table which is disposed in the web router. Nor there is any discussion about "detecting a change in a network topology based on the detected change in the contents of the IP routing table," disposed in the IP router, as claimed.

Lachhiramka does not cure any deficiency of LGA.

Accordingly, **claim 2** distinguishes patentably and unobviously over GLA and Lachhiramka.

Claim 5 recites among other elements: "means for detecting a change in the IP routing table and performing a health check for obtaining the index information per server based on the detected change in the IP routing table."

As discussed above, LGA does not teach or suggest means for detecting a change in the IP routing table. Further, GLA describes that the ALP module 308 reports distances to the WILD module 304, so that the WILD module 304 knows about unreachable anchor Web routers while determining validity of NL maps and WILD maps. (Paragraph 129.) GLA does not disclose that ALP module performs a health check in response to detecting a change in the routing table. ALP module of GLA provides the information on the regular basis and not dependent on the changes detected in the routing table. Nowhere does GLA teach or suggest "means for detecting a change in the IP routing table and performing a health check for obtaining the index information per server based on the detected change in the IP routing table."

Lachhiramka does not cure any deficiency of LGA.

Accordingly, **claim 5** distinguishes patentably and unobviously over GLA and Lachhiramka.

Claim 7 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here.

Additionally, claim 7 recites: "an Internet Protocol (IP) router coupled to the client devices via a client side interface, which IP router connects the client devices with the original server and the mirror servers via a network."

The Examiner asserts that GLA discloses an IP router 208. (*See* Office Action, page 2, last paragraph.) The Examiner further asserts the IP router is element 202 and the mirror device is element 208. (*See* Office Action page 8, line 1, and page 7, line 18). The Examiner is being

inconsistent and confusing in interpreting GLA to support the rejection. Such rejection is improper.

As clearly illustrated in Fig. 2 and described in GLA, the web router 202 is connected to the client device via the web server. The Web Cache (element 208) is connected to the web router. The client device obtains the content from the web cache which is identified as the best source of the content. (Fig. 2, Paragraph 86).

Therefore, element 202 is connected to the client via the network and web server. Element 202 is not coupled to the client via a client side interface. Element 208, being a "mirror device," is connected to the client only when this particular device is identified as the best holder for the requested content and its address is provided to the client. Element 208 is not coupled to the multiple client devices via a client side interface. Element 208 becomes coupled to the client device only when it is providing the requested content.

Additionally, since element 208 is a mirror device, element 208 does not connect the client devices with the original server and the mirror servers via a network.

Accordingly, neither element 202, nor element 208 is the same as or an equivalent of the "IP router coupled to the client devices via a client side interface, which IP router connects the client devices with the original server and the mirror servers via a network," as claimed.

It is, therefore, respectfully submitted that **claim 7 and dependent claims 8-12** distinguish patentably and unobviously over GLA and Lachhiramka.

Claim 13 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. It is therefore respectfully submitted that **claim 13 and dependent claims 14-17 and 20** distinguish patentably and unobviously over GLA and Lachhiramka.

Claim 18 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. It is therefore respectfully

submitted that **claim 18 and dependent claim 19** distinguish patentably and unobviously over GLA and Lachhiramka.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
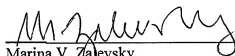
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